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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

LOS ANGELES CATHOLIC WORKER,
AN UNINCORPORATED ASSOCIATION;
CANGRESS, A NON-PROFIT
CORPORATION; HARRY JAMES JONES,
LOUIS GRADY, LLOYD HINKLE,
WALTER SHOAF, INDIVIDUALS,

Plaintiffs,

v.

LOS ANGELES DOWNTOWN
INDUSTRIAL DISTRICT BUSINESS
IMPROVEMENT DISTRICT, CENTRAL
CITY EAST ASSOCIATION, INC., CITY
OF LOS ANGELES; DOES 1-10,

Defendants.

CASE NO. CV 14-07344 PSG (AJW)

**DECLARATION OF RONALD S.
WHITAKER IN OPPOSITION TO
PLAINTIFFS' EX PARTE
APPLICATION FOR CONTEMPT AND
SANCTIONS**

Discovery Cut-off: March 4, 2016
Trial Date: June 21, 2016, 9:00 a.m.

1 I, Ronald S. Whitaker, declare as follows:

2 1. I am an Assistant City Attorney at the Office of the Los Angeles City Attorney.
3 With the recent absence of Deputy City Attorney Elizabeth Fitzgerald from the office due to
4 medical leave, I have assumed the handling of this litigation. If called to testify, I would
5 accurately and competently testify to the following.

6 2. During the meet and confer with Plaintiffs' counsel regarding document
7 production, on January 11, 2016, I expressed concern to Plaintiffs' counsel that because of the
8 time of day—the lunch hour—and the inability to speak in person with the appropriate City
9 departments, I was reluctant to agree to a two-week deadline. I did not know how long it
10 would take these departments to conduct and complete their searches.

11 3. On February 11, 2016, when I spoke with Ms. Shayla Myers about producing
12 emails, I told her that I expected to hear from the ITA Department, which handles the City's
13 email system, by Tuesday, February 16 about the status of the search.

14 4. On February 12, 2016, I was out of the office and at that time unable to respond
15 to Ms. Myers's email.

16 5. On February 16, 2016 I agreed to produce Ms. Miranda Paster, the PMK for the
17 City of Los Angeles, for a second deposition at the expense of the City, should the Plaintiffs
18 deem it necessary. Many of the documents produced electronically that day were duplicates of
19 documents already in Plaintiffs' possession that Plaintiffs used as exhibits for Ms. Paster's
20 deposition.

21 6. In regards to the conversation I had with Ms. Myers after the City PMK
22 deposition, I have been in contact with the Information Technology ("IT") Department on a
23 daily basis to ascertain the status of the email search and the anticipated completion date of the
24 search. Because of the transition by the City to a new e-mail storage system, the search has
25 taken longer than expected. I also contacted numerous individual City departments, and was
26 told that the requested emails would be on the IT server, and that I would have to access them
27

1 through the IT Department. I have been informed by the ITA Department that they are working
2 diligently to complete the search, and they will inform me when the search is completed. I
3 continue to check with them daily.

4 7. As for the LAPD emails, I have been informed by the LAPD's IT department that
5 in order to search emails, they need the email addresses of each individual LAPD officer. With
6 the help of our investigator, we have tried to identify each of the individual police officers, of
7 which there are over 400, assigned to the Central Division within the relevant timeframe. The
8 LAPD's IT department requires us to manually match up each officer name with their serial
9 number, as that is how officers are identified in their email addresses. That process is and has
10 been ongoing.

11 8. Since the hearing on January 11, 2016, the City has produced almost 5,000 pages
12 of documents to Plaintiffs. We have been diligent in obtaining the agreed-upon documentation.
13 We have only been constrained from a more complete production by technical difficulties with
14 the transition of the City's email system and the sheer amount of time and labor needed to
15 obtain potentially tens of thousands of pages of documents. We fully intend to produce the
16 documents requested. The City has been willing to extend the discovery cutoff deadlines and
17 allow Plaintiffs every courtesy in completing their requested discovery.

18 9. The City respectfully requests the Court deny this ex parte application.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 Executed on February 17, 2016, at Los Angeles, California.

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25 Ronald S. Whitaker
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